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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,318	03/18/2004	Donna Sue Davis	2003B101A	5374

7590 06/15/2006

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EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,318

Applicant(s)

DAVIS ET AL.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/04, 3/29/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 9, 16 – 17 and 20 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lind et al (U.S. Patent Publication No. 2001/0003624).

With regard to Claims 1 – 3 and 16 – 17, Lind et al disclose a multilayer film (paragraph 0013) comprising three layers (at least one layer; paragraph 0013) of a blend of high density polyethylene and low density polyethylene which are made from metallocene catalysts and are therefore metallocene polyethylenes (paragraph 0013); the metallocene polyethylene has a density of 0.940 g/cm^3 (paragraph 0020); Lind et al therefore disclose a and A/B/A structure, wherein the A layers are comprise a blend comprising a metallocene polyethylene having a density between 0.915 to 0.940 g/cm^3 , and the B is a core layer comprising a blend comprising a high density polyethylene and a low density polyethylene.

With regard to Claims 4 – 7, the high density polyethylene disclosed by Lind et al has a density of 0.960 to 0.965 g/cm^3 (paragraph 0020).

With regard to Claims 8 – 9, the low density polyethylene disclosed by Lind et al has a density of 0.925 to 0.935 g/cm^3 (paragraph 0020).

With regard to Claim 20, the metallocene polyethylene disclosed by Lind et al is linear low density polyethylene (paragraph 0013).

With regard to Claim 21, the film disclosed by Lind et al is coextruded (paragraph 0056) and heat – shrinkable (paragraph 0064).

With regard to Claim 22, Lind et al disclose a group of items wrapped by the film (pieces of meat; paragraph 0004); Lind et al therefore disclose a collation shrink wrapped structure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 – 15 and 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind et al (U.S. Patent Publication No. 2001/0003624) in view of Agouri et al (U.S. Patent No. 4,126,648).

Lind et al disclose a film comprising a blend of high density polyethylene and low density polyethylene as stated above. With regard to Claims 10 – 11 and 18 – 19, Lind et al fail to disclose a blend comprising 60 – 90 wt.% low density polyethylene and 40 – 10 wt.% high density polyethylene.

Agouri et al teach a film having 60 – 90 wt.% low density polyethylene and 40 – 10 wt.% high density polyethylene (column 2, lines 16 – 20) for the purpose of obtaining a film having superior properties to a film comprising high density polyethylene alone (column 5, lines 60 – 64). One of ordinary skill in the art would therefore have recognized the advantage of providing

for the thickness of Agouri et al in Lind et al, which comprises a film, depending on the desired properties of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a blend comprising 60 – 90 wt.% low density polyethylene and 40 – 10 wt.% high density polyethylene in Lind et al in order to obtain a film having superior properties to a film comprising high density polyethylene alone as taught by Agouri et al.

With regard to Claims 12 – 15, the film disclosed by Agouri et al has a thickness of less than 50 microns (column 1, lines 10 – 11), and therefore has a 1% secant modulus MD of at least 500 mPa and 1% secant modulus TD of at least 600 mPa and as Gloss 20 and 60 of 2% or less.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 6/12/06
Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772